

101

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

CRM M 21377 of 2021

Date of decision: 28.05.2021

*Prince Garg and another**.....Petitioners****Versus****State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

-.-

In virtual Court

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Ishan Gupta and Mr. Sushant Kareer, Advocates
for the petitioners

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Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioners under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 97 dated 10.05.2021 registered under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station Dirba, District Sangrur.

It is submitted by counsel for the petitioners that case against the petitioners is totally concocted and created under the pressure of the complainant, who is very influential person. Even otherwise, as per the case of the prosecution, the loan amount was obtained by family of the petitioners in their own names by mortgaging their own properties.

Although, the complainant had agreed to become a guarantor for the loan in the first instance, however, lateron, he withdrew his guarantee way back in the year 2018. Therefore, as of now, loan amount is the sole liability of the petitioners against shares of the petitioners, as well as, of their family members only in the agricultural land, which has been mortgaged. The complainant has no concern whatsoever with the loan. No part of the property of the complainant has been mortgaged by the petitioners or their family members. It is also submitted that the entire dispute is emerging from a business dispute between uncle of petitioner No. 1 and the complainant, which has been sought to be converted into a criminal aspect. Counsel has further submitted that since the dispute relates to the documentary evidence only, the custodial interrogation of the petitioners is not required. Counsel has further submitted that the petitioners shall join investigation.

Notice of motion.

Mr. H S Sullar, DAG, Punjab accepts notice on behalf of the State and Mr. Aman Dhir, Advocate has put in appearance on behalf of the complainant.

Counsel for the State, on instructions from SI Baljit Singh and assisted by counsel for the complainant has submitted that the purported signatures of the complainant on the deed of guarantee has been found to be forged on analysis by the Forensic Science Laboratory of the State. The petitioners are also the beneficiaries of the loan amount, which is involved in the matter. Hence, the petitioners do not deserve to be granted any concession of anticipatory bail. However, it is not disputed that no property of the complainant was mortgaged by the petitioners and that as of now, the

complainant is not even a guarantor in the matter.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioners are granted concession of anticipatory bail. Therefore, it is directed that in case of their arrest, the petitioners shall be released on bail subject to their furnishing bail bounds/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions, as provided under section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

28.05.2021

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Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No